

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THOMAS RODRIGUEZ  
TINA RODRIGUEZ,

Plaintiff,

17-CV-251

v.

UNITED STATES OF AMERICA

Defendant.

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**NOTICE OF CROSS-MOTION**

**PLEASE TAKE NOTICE** that defendant, by its attorney, Michael S. Cerrone, Assistant United States Attorney, for James P. Kennedy, Jr., United States Attorney for the Western District of New York, hereby cross-moves this Court for an order: (i) pursuant to Federal Rule of Civil Procedure 37, compelling plaintiffs to respond to defendant's Requests for Admission and Third Request for Production of Documents and (ii) for such other and further relief as the Court may deem just or proper. Defendant's motion is supported by the accompanying declaration of Michael S. Cerrone and a Memorandum of Law.

**PLEASE TAKE NOTICE** that the motion will be heard at the United States Courthouse, 2 Niagara Square, Buffalo, New York, at a date and time to be set by the Court.

DATED: Buffalo, New York, July 12, 2018.

Respectfully Submitted,

JAMES P. KENNEDY, JR.  
United States Attorney

BY: S/Michael S. Cerrone  
MICHAEL S. CERRONE  
Assistant U.S. Attorney  
U.S. Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716-843-5851  
[michael.cerrone@usdoj.gov](mailto:michael.cerrone@usdoj.gov)